

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CLAUDETTE M. ARNOUX,

Civil Action No.:

Plaintiff,

-against-

COHEN & SLAMOWITZ, LLP,

Defendant(s).

0011 - 5314
COMPLAINT

DEMAND FOR JURY TRIAL FEUERSTEIN, J.

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Plaintiff Claudette M. Arnoux ("Plaintiff"), by and through her attorneys, M. Harvey Rephen & Associates, P.C., as and for its Complaint against the Defendant Cohen & Slamowitz, LLP hereinafter referred to as "Defendant(s)", respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiffs bring this action on her own behalf for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

PARTIES

2. Plaintiff is a resident of the State of New York, residing at 542 Ellison Ave., Westbury, NY 11590.

3. Cohen & Slamowitz is a New York law firm with their main office at 199 Crossways Park Drive, Woodbury, NY 11797.

4. Cohen & Slamowitz, LLP is a "debt collector" as the phrase is defined and used in the FDCPA under 15 USC §1692a (6).

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 USC §1331, as well as 15 USC §1692 et seq. and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1337(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.

8. On information and belief, Defendant, on behalf of a third-party, began collecting an alleged consumer debt from the Plaintiff.

9. On information and belief, and better known to the Defendant, the Defendant began its collection efforts and campaign of communicating with the Plaintiff by sending collection letters.

10. The Defendant sent the Plaintiff a mass produced and preprinted attorney's letter. The letter claims to be from Cohen & Slamowitz, LLP according to the letterhead and the signature.

11. The Defendant's letters have no required disclaimer informing the Plaintiff that there was no meaningful attorney review or involvement in the letter.

12. Without meaningful attorney review the Defendant's letters violated 15 USC

§1692e –preface e (10), and e (3) by being deceptive, misleading and falsely implying that the letters were a communication from Attorney David A. Cohen and Attorney Mitchell G. Slamowitz.

13. The Defendant probably sends thousands of letters with the same preprinted signature of which it would be impossible to actually have meaningful involvement in all of them, and sign all of the documents purporting to be from Attorney David A. Cohen and Attorney Mitchell G. Slamowitz.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

14. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “13” herein with the same force and effect as if the same were set forth at length herein.

15. Defendant’s debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 USC §1692e –preface e (10), and e (3).

16. As a result of Defendant’s violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

17. Plaintiff Claudette M. Arnoux hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Claudette M. Arnoux demands judgment from the Defendants Cohen & Slamowitz, LLP as follows:

A. For actual damages provided and pursuant to 15 USC §1692k(a)(1);

- B. For statutory damages provided and pursuant to 15 USC §1692k(2)(A);
- C. For statutory damages provided and pursuant to 15 USC §1692k(2)(B);
- D. For attorneys' fees and costs provided and pursuant to 15 USC §1692k(a)(3);
- E. A declaration that the Defendant's practices violated the FDCPA;
- F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
September 29, 2011

Respectfully submitted,

By: 
M. Harvey Rephen, (MR3384), Esq.
M. HARVEY REPHEN & ASSOCIATES, P.C.
708 Third Avenue, 6th Floor
New York, New York 10017
Phone: (212) 796-0930
Facsimile: (212) 330-7582

Attorney for the Plaintiff Claudette M. Arnoux

To: Cohen & Slawowitz, LLP
199 Crossways Park Drive
Woodbury, NY 11797

(Via Prescribed Service)
Clerk,
United States District Court, Eastern District of New York
(For Filing Purposes)

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New York, New York 10017
Phone: (212) 796-0930
Facsimile: (212) 330-7582*
